

REMARKS/ARGUMENTS

The Office Action Mailed January 28, 2008:

The Action has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Status of the Claims:

Claims 1-5, 10-12, 18, 19, 24-27, 32, 37 and 38 have been rejected.

Claims 6-9, 13-17, 20-23, 28-31, 33-36, 39 and 40 have been withdrawn from consideration.

Patent Office Interview with the Examiners:

An interview was held in the United States Patent and Trademark Office on April 17, 2007, between Applicants' undersigned attorney, Examiner William J. Gilbert and Supervisory Examiner Richard Chilcot. The interview was held at the request of Applicants' attorney and the courtesy extended to Applicants' attorney during the course of the interview is hereby acknowledged with appreciation.

A Listing of Claims, with proposed amendments, was submitted to the Examiners, in advance of the interview. The amendments proposed by that Listing corresponded to those made by the amendments submitted herewith, except for the amendments to paragraphs (c) of Claims 3, 18, 25 and 37 and to paragraph (b)(iv) of Claim 24.

Claims 1, 3, 18, 24 and 25 were discussed during the course of the interview. Applicants' attorney pointed out that, as amended by the proposed amendments, Claims 1 and 24 clearly

avoided the rejection under 35 USC § 112, in that they no longer call for both a “free distal end” and a “distal end.” He also discussed the references to Robb (US Patent 3,830,032), Yung (US Patent 4,835,933 and Wuirges (WO 90/01600). With regard to these references, he pointed out that: (1) Robb’s legs 26 were not single thickness and his webs 48 do not extend over substantially the entire length of the legs; (2) Yung’s webs 26 are on the outside of the conical legs and the feet 22 were not formed on the webs; Wuirges legs were similar to those of Yung as to the construction of the webs. Applicants’ attorney also demonstrated, through means of a sample of a chair constructed according to the present invention, how Applicants’ internally disposed webs bridged beneath the table and resisted spreading of the legs under tension. It was explained that such spreading is known in the trade as “bambiing” and that Applicants’ single thickness shell construction, with internal webs extending over the length of the legs, resists such spreading, while providing good access between the legs.

At the conclusion of the interview, agreement was reached with respect to the claimed features of Applicants’ invention which distinguish over the cited references; particularly, the web portion and foot, as defined in the proposed amendments to Claim 1.

The Amendments to Claim 1:

These amendments are identical to the proposed amendments which were considered during the course of the Patent Office interview. As discussed above, they serve to overcome the rejection for indefiniteness under 35 USC § 112 and it was agreed that the claim, as amended, distinguished over the references cited under 35 USC § 103.

The Amendments to Claims 3, 18, and 25:

These amendments correspond to those which were considered with the Examiners during the course of the Patent Office interview and, additionally, define in paragraphs (c) that the "foot is formed on the web portion at the distal end of each leg." Thus, the claims define the web and foot portions in the language with respect to which agreement was reached at the interview.

The Amendments to Claim 24:

These amendments are identical to those of Claim 1. Accordingly, they similarly overcome the rejections under 35 USC § 112 and 35 USC § 103.

The Amendments to Claim 37:

The amendments to this claim correspond to those of Claim 18. Accordingly, Claim 37 distinguishes over the references cited for the same reasons discussed above with regard to Claim 18.

The Rejection of Claims 2, 5, 10, 11, 12 and 19:

These claims all depend from Claim 1. Accordingly, as to these dependent claims, the arguments set forth above as to Claim 1 are equally applicable.

The Rejection of Claim 4:

This claim depends from Claim 3. Accordingly, as to this dependent claim, the arguments set forth above with regard to Claim 3 are equally applicable.

The Rejection of Claims 27, 32 and 38:

These claims all depend from Claim 24. Accordingly, as to these dependent claims, the argument set forth above with regard to Claim 24 are equally applicable.

The Rejection of Claim 26:

This claim depends from Claim 25. Accordingly, as to this claim the arguments set forth above with regard to Claim 25 are equally applicable.

Withdrawn Claims 6 to 9, 13 to 17 and 20-23:

The Office Action of April 2, 2007 indicated that Claim 1 was generic to species I, II, III, IV and V and that "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all of the limitations of an allowance generic claim as provided by 37 CFR 1.141." Claim 1 now being considered allowable, it is respectfully submitted that dependent Claims 6 to 9, 13 to 17 and 20 to 23 should be considered and found similarly allowable.

Withdrawn Claims 28 to 31 and 33 to 36:

These claims depend from Claim 24. As Claim 24 is considered allowable and generic, similarly to Claim 1, it is respectfully submitted that Claims 28 to 31 and 33 to 36 are properly includable in the present application under the provisions of 37 CFR 1.141 and allowable.

Withdrawn Claims 39 and 40:

These claims are to the subcombination of the bearing plate shown in Figs. 12 to 16. It is respectfully requested that they be permitted to remain in the present application, pending its allowance and the possible filing of a divisional application addressed to their subject matter.

Conclusion:

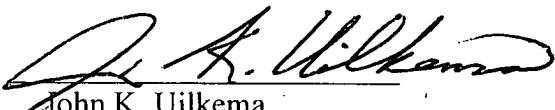
It is believed that this Amendment and Response places the present application in condition for allowance. Early favorable consideration is solicited.

Please charge any additional fee or credit any overpayment not otherwise paid or credited, to deposit account No. 50-0918.

Respectfully submitted,
THELEN REID BROWN RAYSMAN &
STEINER LLP.

Dated: April 28, 2008

By:


John K. Uilkema
Reg. No. 20,282
Attorneys for Applicants

Direct all correspondence to

John K. Uilkema
Thelen Reid Brown Raysman & Steiner LLP
P.O. Box 190187
San Francisco, CA 94119-0187
(415) 369-7641 (Direct Dial)
(415) 369-8789 (Direct Fax)

Attorney Docket No. 032885-86
SF #1471790 v1